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Measures to eliminate international terrorism

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "Terrorism: the need to enhance global cooperation against the threat to democracy and human rights", adopted by consensus on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 108 and 124.

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Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Terrorism: the need to enhance global cooperation against the threat to democracy and human rights

Resolution adopted by consensus on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka

The 134th Assembly of the Inter-Parliamentary Union,

Recalling the resolutions adopted by the UN General Assembly and Security Council on combating terrorism, in particular Security Council resolutions 1373 (2001), 1624 (2005), 2129 (2013), 2170 (2014), 2178 (2014), 2199 (2015), 2253 (2015), General Assembly resolution 60/288 of 8 September 2006 on the UN Global Counter-Terrorism Strategy and follow-up resolutions, and the UN Secretary-General's Plan of Action to Prevent Violent Extremism, as well as IPU resolutions adopted by the 116th Assembly (Nusa Dua, Bali, 2007), the 122nd Assembly (Bangkok, 2010) and the 132nd Assembly (Hanoi, 2015), all of which underscore the need for cooperation in the fight against terrorism,

Also recalling the resolutions adopted by the UN Security Council on women, peace and security, in particular resolution 2242 (2015) which recognizes "the differential impact on the human rights of women and girls of terrorism and violent extremism" and the use of sexual and gender-based violence as "a tactic of terrorism", and calls for the increased participation of women in multilateral processes on counter-terrorism and countering violent extremism,

Reaffirming that its primary objective is to contribute to the maintenance of international peace and security in accordance with the Charter of the United Nations and underscoring that any counter-terrorism measures taken must be in accordance with that Charter and international law, international human rights law, and in particular the International Covenant on Civil and Political Rights, international refugee law and international humanitarian law, as applicable,

Noting the absence of a universally agreed definition of terrorism at the international level,

Considering nevertheless that this gap should not be an obstacle to concerted action by the international community to combat terrorist activities and organizations, provided that States have at their disposal national laws containing clear and precise definitions of terrorist acts according to the definitions in international counter-terrorism conventions and protocols as adopted by the UN Security Council, and punish those acts,

Also considering that international cooperation in combating terrorism in keeping with UN General Assembly and Security Council resolutions can only be effective if parliaments adopt a series of legislative and financial measures aimed at preventing terrorism and criminalizing terrorist acts and their glorification, as well as terrorist propaganda,

Convinced that those measures should also make it possible to prosecute the perpetrators, accomplices and supporters of terrorist acts, prevent the movement of terrorist fighters, monitor the activities of persons suspected of terrorist activity and cut off the means of financing terrorist organizations,

Concerned by the possible nexus between terrorism, transnational organized crime and illicit activities such as document fraud, drug trafficking, arms trafficking, human trafficking, sexual exploitation, the pillage of historical sites, the sale of antiquities, the looting of natural resources and money laundering,

Also concerned by the growing use of information and communication technologies (ICTs), including the Internet and social networks by terrorist organizations to exchange information, plan and carry out attacks and spread their propaganda,

Underscoring the need to take measures aimed at eliminating conditions that are conducive to the spread of terrorism, some of which take root within society, such as poverty, scarce basic services, gender discrimination, social inequality and exclusion, and a sense of injustice, which provide terrorist organizations with a fertile breeding ground for recruitment, especially among young people,

Also underscoring that the status of children must always, and in particular in the context of terrorism, be taken into account and considered from the angle of the development and the rights of the child, as set forth in the UN Convention on the Rights of the Child,

Considering that the implementation of social and educational measures likely to prevent the emergence of extremist behaviours that can lead individuals towards terrorism — or put an end to such behaviours — is indispensable in the fight against terrorism,

Concerned that individuals who have been listed globally as terrorists by the United Nations are not being prosecuted by UN Member States and are still moving around freely,

1. *Calls upon* individuals to refrain from using religion, religious heritage and culture to commit terrorist acts, as this fuels religious and cultural prejudice;

2. *Calls for* the establishment of cultural dialogue aimed at preventing extremism and combating terrorism, which would seek to reach a meeting of minds between different cultures based on intellectual and cultural insights, and to ensure coordinated global efforts to combat extremism and terrorism;

3. *Also calls for* the spreading of tolerance and moderation and underscores the need for legislative and executive actions to combat hatred, against ethnic and religious minorities in all countries, and to provide the necessary protection for places of worship, as well as due respect for holy books and religious symbols;

4. *Emphasizes* the absolute need for enhanced international cooperation and the promotion of inter-parliamentary information exchange, in order to effectively tackle terrorism and dismantle terrorist networks;

5. *Urges* parliaments to adopt measures to prevent the commission, planning and funding of any kind of terrorist act against any State, irrespective of motives;

6. *Calls for* the funding of education programmes, as well as community and civil society initiatives — in particular those benefiting youth and women's empowerment — that are designed to avoid the development of extremist behaviour that could lead individuals to take part in terrorist acts and that are also designed to help build a culture of tolerance and peace in our societies;

7. *Also calls for* the funding of what are known as counter-narrative campaigns, designed to counteract the propaganda of terrorist organizations, including on social networks and the Internet as well as in schools and religious institutions;

8. *Strongly urges* parliaments to require providers to be responsible in their approach to the largest communication platform of our era, to facilitate notice-and-takedown procedures, to pass on patently criminal content to law enforcement agencies when that is appropriate, and after an examination of the legal issues based on the criteria of the rule of law, thus allowing effective criminal prosecution;

9. *Also urges* parliaments to exchange good practices, and legal and technical knowledge, both pre-emptively in order to fight against the radicalization of certain individuals within the population, and reactively to ensure that individuals are de-radicalized;

10. *Recommends* that criminal legislation relating to terrorist acts or activities are clearly and precisely drafted to ensure that legal proceedings and international coordination in the fight against terrorism are effective, and highlights that fundamental rights and the principles of fair criminal proceedings on the basis of due process must be guaranteed, particularly with regard to freedom of movement, freedom of conscience and religion, protection from arbitrary arrest, the right to a private life and the right to be presumed innocent;

11. *Also recommends* that criminal legislation regarding terrorist acts be applied to minors in a manner which accounts for their capacity for rehabilitation, particularly with respect to sentencing;

12. *Requests* parliaments to criminalize not only acts of terrorism, as defined by UN Security Council resolutions, but also the planning both to commit such acts and to assist or facilitate, whether by act or omission, the commission of such acts, and also to bring into their legislation an obligation to either prosecute or extradite for prosecution individuals charged with terrorist acts or activities;

13. *Considers* it essential to also criminalize the recruitment and training of terrorists and their supporters as well as the incitement to commit acts of terrorism, particularly through rallies, virtual social networks or more generally through the use of the Internet, while also ensuring that any measures taken are proportional to the threat, taking particular account of any attempts to impair freedom of expression and human rights;

14. *Requests* parliaments to criminalize the intentional development, maintenance or hosting of websites which have been identified as terrorist sites and which, directly or indirectly, intentionally support terrorist activities, as well as to criminalize the intentional downloading of documents or programmes of a terrorist nature with the aim of committing terrorist crimes;

15. *Also requests* parliaments to criminalize the act of travelling abroad, or attempting to do so, in order to commit or assist in committing a terrorist act, to

participate in, provide or receive terrorism-related training, to facilitate the movement of terrorist fighters, to recruit terrorist fighters or to train or assist in training terrorists;

16. *Strongly recommends* that legal measures be identified to stop social benefits for individuals who have gone abroad to support or become terrorist fighters;

17. *Requests* parliaments to authorize the competent authorities responsible for the prevention, detection, investigation or prosecution of terrorist offences or serious crimes to collect data about airline passengers before they travel, and to place an obligation on airlines and travel agents to provide, in advance and in electronic format, information about passengers and their travel documentation;

18. *Also requests* parliaments to allow the administrative authorities to confiscate the travel documents of terrorist fighters (by temporarily withdrawing, suspending or confiscating their passports or travel documents, including for minors) or to allow any measure that enables their travel arrangements to be cancelled as a matter of urgency;

19. *Further requests* that parliaments authorize measures for their State's electronic national security system to be connected to I-24/7, the global police communications system, and to the databases of the International Criminal Police Organization (INTERPOL), and allocate the necessary funds to do so;

20. *Calls on* parliaments to review their legislation in order to prevent any financial aid or support from being provided to terrorist fighters and to criminalize the financing of terrorism;

21. *Recommends* in that regard that legal provision be made for the possibility, first, to rapidly freeze assets and bank accounts used or intended to be used by terrorists, their accomplices or supporters; second, to prohibit the transfer or raising of funds which are intended to directly or indirectly assist terrorist fighters, their accomplices or supporters or by terrorist organizations; and third, to facilitate information exchange on financial transactions and movements of funds between States, including through exchange protocols established either by recognized international organizations such as INTERPOL or through bilateral agreements;

22. *Notes* the need to provide States with the financial, human and legal resources to enable relevant authorities to place under surveillance terrorist organizations and persons who might commit or support terrorist acts, in order to bring to justice terrorist fighters, their accomplices or supporters, or to arrest them before they take action;

23. *Calls on* parliaments to promote international cooperation between security forces, intelligence services and customs and immigration authorities, including by centralizing and coordinating information exchange, authorizing the swift ratification of extradition treaties concluded between the States of origin, transit and destination of terrorist fighters, and by monitoring the effectiveness of their implementation on the basis of legally binding agreements relating to compliance with the rule of law and data protection standards, in order to prevent the abuse of immigration and asylum law for the purposes of terrorism;

24. *Requests* parliaments to develop national legislation, supported by appropriate financing, that would allow the victims of terrorist acts to exercise their

right to redress against those who have provided financial or logistical support to terrorists, as well as legislation, supported by adequate resources, that would establish a mechanism to assist and support victims, taking into account the specific needs of women and girl victims;

25. *Urges* parliaments to increase their efforts to reduce poverty; to combat discrimination against unemployed people, particularly young unemployed people, in order to ensure access to quality education for boys and girls and to basic services for all; and to combat racism as well as all forms of discrimination, particularly when based on unemployment, gender and social inequality, which provide a fertile breeding ground for the spread of terrorism;

26. *Welcomes* the initiative of the UN Secretary-General, takes note of his Plan of Action to Prevent Violent Extremism, and encourages parliaments to ensure that it is successfully implemented, in parallel with efforts made as part of the UN 2030 Agenda for Sustainable Development, in particular Goal 16;

27. *Urges* parliaments to commit to the empowerment of women as a means of preventing and combating terrorism in all its forms, in particular by securing the full participation of women and youth in decision-making and their economic independence;

28. *Requests* the IPU to promote inter-parliamentary information exchange and cooperation, and to facilitate dialogue among practitioners and parliamentarians, by establishing a forum where parliamentarians and UN counter-terrorism-related bodies could interact, with a view to sharing, at global and regional levels, good practices on confidence-building measures that are conducive to peace, international stability and security, and ensuring women's and young people's full participation in such efforts, with due consideration for the sovereignty of each State.